

Pub. Imp. _____
Govt. Grnt. _____
Emer. _____
P. Hrngs. _____
Pgs. 9
Filed: 2-16-2010

Sponsored by: Compton

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2010-060

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Article I, Zoning, Land Development Code, Division III, Section 3-3300,
2 Conditional Use Permits, to expand the uses permitted with the approval
3 of a Conditional Use Permit for the Adaptive Use of Non-Residential
4 Structures in Residential Districts (Both Planning and Zoning Commission
5 and staff recommend approval.)
6
7

8 WHEREAS, an application for an amendment to the Zoning Ordinance was filed
9 by the applicant in conformance with the requirements of the Zoning Ordinance; and
10

11 WHEREAS, following proper notice, a public hearing was held before the
12 Planning and Zoning Commission on February 4, 2010, and the said Commission has
13 made its recommendation with respect to such an amendment, which is contained
14 within this bill.
15

16 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
17 SPRINGFIELD, MISSOURI, as follows, that:
18

19 Section 1 – The Land Development Code, Article I, Zoning Ordinance, Division
20 III, Section 3-3300, Conditional Use Permits, is hereby amended by repealing
21 Subsection 3-3310.B.4.a and enacting in lieu thereof a new Subsection 3-3310.B.4.a.,
22 and enacting a new Subsection 3-3310.B.4.b.12, which new Subsections shall read as
23 follows:
24

25 3-3310.B.4. Adaptive Use of Non-Residential Structures in Residential Districts
26

27 a. Purpose. The purpose of these regulations is to allow for the use of
28 structures, originally constructed for non-residential uses and currently
29 located in residential districts, for selected non-residential, multiple unit
30 residential and mixed non-residential and residential uses provided the
31 review by the Planning and Zoning Commission and City Council

32 determines the proposed use would not have significant adverse
33 impacts on the surrounding neighborhood. The regulations provide
34 opportunities to make productive use of non-residential structures that
35 could otherwise be a blight on the neighborhood if left vacant and are
36 not maintained.

37
38 **b. Permitted Uses.** The following uses may be permitted by a conditional
39 use permit; however, a conditional use permit shall only be approved
40 for the specific use requested in the application. A change to a use not
41 specifically listed in the conditional use permit shall require a new
42 application and review.

- 43 (1) Beauty parlors and barber shops.
- 44 (2) Day care centers, in accordance with *Chapter*
45 *36, Article XI, Springfield City Code.*
- 46 (3) Dry cleaning and laundry pick-ups.
- 47 (4) Elementary and secondary schools and
48 schools or development centers for persons
49 with handicaps or development disabilities.
- 50 (5) Hearing aid and eye glass shops.
- 51 (6) Museums, art galleries and libraries.
- 52 (7) Professional and business offices.
- 53 (8) Retail establishments for the following uses:
54 bakery, books, candy, flowers, gifts, and hobby
55 materials.
- 56 (9) Schools and studios for art, dancing, drama,
57 music, photography, interior decorating, or
58 similar courses of study.
- 59 (10) Shoe repair.
- 60 (11) Pet Grooming with sales of pet grooming
61 products allowed as an accessory use (the
62 following are not accessory to this use and are
63 prohibited: overnight pet stays, the sale of
64 breeding of pets, kennels, veterinarian services
65 and outside activities. (G.O. 5425, 11/15/04)
- 66
67
68
69
70
71
72
73
74
75

76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121

(12) Residential uses including multiple units, as part of a mixed use development or as a stand-alone use.

NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.

Section 2 – Savings Clause. Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 3 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4 – This ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Mary K Yendes, Assistant City Attorney

Approved for Council action: Greg Burt, City Manager

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: February 22, 2010
Sponsor:
Date: February 8, 2010

EXPLANATION TO COUNCIL BILL NO. 2010 - 060

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to amend the *Springfield Zoning Ordinance* to expand the uses permitted with the approval of a Conditional Use Permit for the Adaptive Use of Non-Residential Structures in Residential Districts. (Planning and Zoning Commission and Staff recommend approval)

ZONING ORDINANCE TEXT AMENDMENT – ADAPTIVE USE OF NON-RESIDENTIAL STRUCTURES IN RESIDENTIAL DISTRICTS

BACKGROUND INFORMATION:

The purpose of the Conditional Use Permit for the Adaptive Use of Non-Residential Structures in Residential Districts regulations is to allow for the use of structures, originally constructed for non-residential districts, for selected non-residential uses provided the review by the Planning and Zoning Commission and City Council determines the proposed use would not have significant adverse impacts on the surrounding neighborhood. The regulations provide opportunities to make productive use of non-residential structures that could otherwise be a blight on the neighborhood if left vacant and not maintained.

Under the existing regulations, the structures can only be used for one of the permitted non-residential uses listed in Section 3-3310.B.4. of the *Zoning Ordinance* or for stand-alone residential unit(s) as permitted by the specific residential zoning district. This amendment would allow, for example, an office, retail or other permitted use to locate on the first floor of a building with residential use above or behind. This amendment will also provide the opportunity for stand-alone, multiple residential units within existing non-residential structures within residential districts.

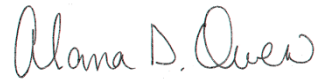
Approval of this amendment only expands the possible uses of an existing non-residential structure in a residential district to include residential uses with the approval of a Conditional Use Permit. The Conditional Use Permit application process includes public hearings before Planning and Zoning Commission and City Council with final approval by City Council.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on February 4, 2010, and recommended **approval**, by a vote of 9 to 0, of the proposed changes to the Zoning Ordinance described in Attachment A (see the attached Record of Proceedings).

The Planning and Development Staff recommends approval of the proposed amendment (see the attached Zoning and Subdivision Report).

Submitted by:



Planning and Development

Approved by:


City Manager

Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

ZONING ORDINANCE AMENDMENT: ADAPTIVE USE OF NON-RESIDENTIAL STRUCTURES IN RESIDENTIAL DISTRICTS

DATE: January 21, 2010

PURPOSE: To amend the Zoning Ordinance to expand the uses permitted with the approval of a Conditional Use Permit for the Adaptive Use of Non-Residential Structures in Residential Districts.

STAFF COMMENTS:

The purpose of the Conditional Use Permit for the Adaptive Use of Non-Residential Structures in Residential Districts regulations is to allow for the use of structures, originally constructed for non-residential districts, for selected non-residential uses provided the review by the Planning and Zoning Commission and City Council determines the proposed use would not have significant adverse impacts on the surrounding neighborhood. The regulations provide opportunities to make productive use of non-residential structures that could otherwise be a blight on the neighborhood if left vacant and not maintained.

Staff has received requests from several property owners interested in using existing non-residential structures located in residential districts for mixed-use residential and office or residential and retail. Under the existing regulations the structures can only be used for one of the permitted non-residential uses listed in Section 3-3310.B.4. of the *Zoning Ordinance* or for stand-alone residential unit(s) as permitted by the specific residential zoning district. In some cases, it may be appropriate and desirable to have mixed-use in an existing non-residential structure. This amendment would allow, for example, an office, retail or other permitted use to locate on the first floor of a building with residential use above or behind. This will provide more opportunities for infill and productive use of these existing structures and provide for more compact development allowing people to live and work at the same location.

This amendment will also provide the opportunity for stand-alone, multiple residential units within existing non-residential structures within residential districts. In certain locations it may be appropriate to permit two or more stand-alone residential units in an existing non-residential structure. This option will provide for the viable use of existing non-residential structures when non-residential use of the building may not be desirable or feasible.

Approval of this amendment only expands the possible uses of an existing non-residential structure in a residential district to include residential uses with the approval of a Conditional Use Permit. The Conditional Use Permit application process includes public hearings before Planning

and Zoning Commission and City Council with final approval by City Council. As part of the Conditional Use Permit process, a neighborhood meeting will be required, the property will be posted with a notification sign(s) and formal notifications will be sent to property owners within 185 feet of the subject property. The conditional use permit procedure will give the Planning and Zoning Commission and City Council with an opportunity of discretionary review to determine whether the proposed location and structure is appropriate for the use and whether it will be designed and located so as to avoid, minimize or mitigate any potentially adverse effects upon the surrounding neighborhood.

RECOMMENDATION: Staff recommends approval.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

ATTACHMENT A
PROPOSED AMENDMENT

New text is underlined and deleted text is ~~overstruck~~

Section 3-3300. Conditional Use Permits

3-3310.B.4. Adaptive Use of Non-Residential Structures in Residential Districts

- a. Purpose.** The purpose of these regulations is to allow for the use of structures, originally constructed for non-residential uses and currently located in residential districts, for selected non-residential, multiple unit residential and mixed non-residential and residential uses provided the review by the Planning and Zoning Commission and City Council determines the proposed use would not have significant adverse impacts on the surrounding neighborhood. The regulations provide opportunities to make productive use of non-residential structures that could otherwise be a blight on the neighborhood if left vacant and are not maintained.
- b. Permitted Uses.** The following uses may be permitted by a conditional use permit; however, a conditional use permit shall only be approved for the specific use requested in the application. A change to a use not specifically listed in the conditional use permit shall require a new application and review.
- (1) Beauty parlors and barber shops.
 - (2) Day care centers, in accordance with *Chapter 36, Article XI, Springfield City Code*.
 - (3) Dry cleaning and laundry pick-ups.
 - (4) Elementary and secondary schools and schools or development centers for persons with handicaps or development disabilities.
 - (5) Hearing aid and eye glass shops.
 - (6) Museums, art galleries and libraries.
 - (7) Professional and business offices.

- (8) Retail establishments for the following uses: bakery, books, candy, flowers, gifts, and hobby materials.
- (9) Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
- (10) Shoe repair.
- (11) Pet Grooming with sales of pet grooming products allowed as an accessory use (the following are not accessory to this use and are prohibited: overnight pet stays, the sale of breeding of pets, kennels, veterinarian services and outside activities. (G.O. 5425, 11/15/04)
- (12) Residential uses including multiple units, as part of a mixed use development or as a stand- alone use.